

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

DAVID A. MILLER,

Civil No. 07-267-JE

Plaintiff,

v.

ORDER

MICHAEL J. ASTRUE,
Commissioner of
Social Security,

Defendant.

MARSH, Judge.

Magistrate Judge John Jelderks filed his Findings and Recommendation on May 19, 2008. The matter is now before me. See 28 U.S.C. § 636(b)(1)(B) and Fed. R. Civ P. 72(b). No objections have been timely filed. This relieves me of my obligation to give the factual findings de novo review. See §636(b)(1)(C); Simpson v. Lear Astronics Corp., 77 F.3d 1170, 1174-5 (9th Cir. 1996). Having reviewed the legal principles de novo, I find no error.

Accordingly, I ADOPT Magistrate Judge Jelderks' Findings and Recommendation #27. This action is reversed and remanded to the Commissioner for further proceedings. Plaintiff's mental RFC will be expressly assessed, and any hypothetical ultimately posed to a

VE will reflect the limitations set out in that assessment.

IT IS SO ORDERED.

DATED this 16 day of June, 2008.

/S/ MALCOLM F. MARSH
Malcolm F. Marsh
United States District Judge